

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Crim. No. 14-1227 KG

RAMON CHAVEZ-SANCHEZ,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant's Motion for Sentencing Relief under the Federal Prison Bureau Non-Violent Offender Relief Act of 2003 (Motion), filed on February 17, 2015. (Doc. 20). On April 13, 2015, the Government filed its response. (Doc. 21). Having considered the Motion and the response, the Court denies the Motion.


Defendant moves under 18 U.S.C. § 3624(g) for the Court to order the Bureau of Prisons to release Defendant early because he is a non-violent offender. If the Court construes the Motion as a Fed. R. Crim. P. 35(a) motion to correct a sentence, the motion is untimely, because Defendant filed the Motion more than 14 days after sentencing. *See* Rule 35(a) (court has 14 days after sentencing to correct sentence for "arithmetical, technical, or other clear error."). Moreover, if the Court construes the Motion as a 28 U.S.C. § 2241 motion for habeas corpus relief, the Court must dismiss the Motion for lack of jurisdiction, because Defendant did not file the Motion in the district where he is confined. ¹ *See Montalvo v. Werlitz*, 461 Fed. Appx. 818, 819 (10th Cir. 2012) (citing Section 2241(a)). Finally, subsection g of Section 3624, the

¹ Defendant is confined in Texas. *See* (Doc. 20).

subsection Defendant relies on in the Motion, was never enacted as law. *See* 18 U.S.C. 3624.

For all of the above reasons, the Court denies Defendant's Motion.

IT IS ORDERED that the Motion for Sentencing Relief under the Federal Prison Bureau Non-Violent Offender Relief Act of 2003 (Doc. 20) is denied.



UNITED STATES DISTRICT JUDGE